United Nations A/57/PV.70

General Assembly
Fifty-seventh session

Official Records

70th plenary meeting
Monday, 9 December 2002, 10 a.m.
New York

*President:* Mr. Kavan ..... (Czech Republic)

*In the absence of the President, Mr. Mamba (Swaziland), Vice-President, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda item 25 (*continued*)**

**Oceans and the law of the sea: commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea**

**The Acting President**: Members will recall that at its 52nd plenary meeting, on 19 November 2002, the General Assembly adopted resolution 57/33, which outlined the organizational arrangements for the plenary meetings on 9 and 10 December 2002. Pursuant to resolution 57/33 the General Assembly will devote this plenary meeting to the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

This afternoon there will be two informal panels, held in parallel. The overall theme for both panels and the sub-themes of each panel are indicated in today's Journal. Tomorrow, the General Assembly will begin its usual consideration of the agenda item on the oceans and the law of the sea.

Before we begin the commemoration, I should like to inform members that, owing to unforeseen circumstances, Judge Hugo Caminos of the International Tribunal for the Law of the Sea, a panellist for Informal Panel 1, will not be able to participate in the Panel. It is proposed that Professor Shabtai Rosen of Israel be his replacement.

Similarly, with regard to Informal Panel 2, Judge José Luis Jesus of the International Tribunal for the Law of the Sea will not be able to participate in the Panel. It is proposed that His Excellency Mr. Felipe Paolillo of Uruguay be his replacement.

May I take it that the General Assembly agrees to the proposed replacements?

*It was so decided.*

**The Acting President**: The General Assembly will now begin the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. I wish to remind the Assembly that in accordance with resolution 57/33, statements in the commemoration shall be limited to 10 minutes.

It is a great honour and pleasure for me to open this commemorative meeting. We must remind ourselves that life itself arose from the oceans. Oceans cover 72 per cent of the Earth's surface. Since ancient times domination of the sea and maritime trade has symbolized and attributed power and prosperity. From the fifteenth century onwards, great discoveries gave further importance to domination of the sea, as well as an extraordinary impetus to seafaring. Modern technologies of the last century offered the opportunity to exploit the mineral resources of the sea and speeded up industrial and economic development. The use of

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oceans has evolved from basic provision of food and as a medium of transportation, to the provision of resources for energy and minerals. The great importance of the ocean remains. Thus, it is no surprise that supremacy over the oceans has also been a source of conflict; for many years it was the law of the strongest that ruled.

Tomorrow, 10 December, it will be 20 years since the United Nations Convention on the Law of the Sea was opened for signature as a result of the Third United Nations Conference on the Law of the Sea, which took place from 1973 until 1982. Aware of the extreme importance of elaborating a new and comprehensive regime for the law of the sea, the international community worked together, and mutual cooperation overcame the numerous conflicting interests of various countries. More than 150 participating delegations representing all regions and all legal and political systems, and representing coastal countries, island States and landlocked countries, made great efforts. The text of the Convention was adopted by consensus, having in mind

> "... the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world, [and]
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> "...
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> "*Believing* that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter." (*United Nations Convention on the Law of the Sea, Preamble*)

The elaboration of the Convention represented an attempt to establish true universality in an effort to achieve a just and equitable international economic order governing ocean space. For the first time, the Convention offered a universal and complex legal framework for sharing the oceans as a common heritage of mankind. The text of the Convention is not only the result of the codification of customary law, but it also embodies the progressive development of international law, and establishes the International Seabed Authority and International Tribunal for the Law of the Sea. The high number of States parties to the Convention is the best proof of the magnificent success of all those who participated in the work.

I should like to take this opportunity to commemorate the eminent persons who created the Convention, some of whom, regrettably, are no longer with us to participate in today's meeting. We are grateful to them, and their presence is ensured through the fruits of their work.

The new law of the sea established by the Convention is based on the idea of the oceans as a common heritage. This concept must be understood not only as sharing the benefits offered by the sea, but above all as sharing the responsibility for its protection and conservation in order to preserve the ecological balance of our planet for future generations to maintain and enjoy.

I now call on the Secretary-General, His Excellency Mr. Kofi Annan.

**The Secretary-General**: We have come together today to celebrate the twentieth anniversary of the 1982 United Nations Convention on the Law of the Sea. The Convention was a milestone for the rule of law and for the United Nations. Ambitious in scope and comprehensive in purpose, the Convention was designed to allocate among States and organizations rights and responsibilities with respect to the oceans.

Known to many as the constitution for the oceans, the Convention was established as a legal framework of general principles and rules governing the division of ocean space and regulating all activities within it. Like a constitution, it is a firm foundation, a permanent document providing order, stability, predictability and security, all based on the rule of law. In a world of uncertainty and insecurity, it is indeed a great achievement to have established this Convention and to ensure the rule of law in an element where human beings from different nations have interacted through the centuries.

In each of the main areas addressed by the Convention — the peaceful uses of the sea, navigation and communication, the equitable and efficient use of the oceans' resources, and the preservation of the marine environment — new challenges have emerged requiring new thinking and vigorous action. The

Convention is a living document, adaptable to change. Indeed, much has changed since its adoption and new developments will emerge in future. Old problems have become more serious and new problems have arisen.

The framers of the Convention knew that all the problems and uses of the ocean were interrelated and that a piecemeal approach to regulation would no longer suffice. Hence, they elaborated a Convention that attempted to address, at least at the level of general principles, all problems, all activities, all resources, all uses of the oceans. They also sought to take into account, and to balance, the rights and interests of all groups of States. In doing so, they created a Convention that provides for the rational exploitation of both living and non-living resources of the sea, and for the conservation of the living resources. It establishes a comprehensive and forward-looking framework for the protection of the marine environment, a regime for marine scientific research, principles for the transfer of technology and, finally, a binding and comprehensive system for the settlement of disputes.

Over the last 20 years the purposes of the Convention have in large measure been fulfilled: coastal States are delimiting their maritime zones in accordance with the Convention; freedom of navigation has been assured; ocean activities are governed by law; many conflicts have been avoided; and many problems have been addressed. On the other hand, implementation of certain aspects has been inadequate. As highlighted by the recent World Summit on Sustainable Development, the world's fisheries are being increasingly depleted and the marine environment is becoming dangerously and seriously degraded.

These are threats not only to food security and to the livelihoods of many coastal communities, but also to human health and to life itself. The oceans were the source of life and continue to sustain it. The oceans and the seas are vitally important for the Earth's ecosystem. They provide vital resources for food security, and without them economic prosperity and the well-being of present and future generations could not be sustained.

If the Convention is to succeed in meeting these threats, cooperation and coordination among States must be improved. Because ocean-related issues are dealt with in many different organizations at the national, subregional, regional and global levels, constant communication and coordination are necessary for effective governance. Let me therefore close by appealing to all States that have not yet done so to ratify the Convention. There could be no bigger tribute to its success and importance than to see it become truly universal. Peace and security, development and trade, cooperation and the rule of law would be strengthened by that achievement.

**The Acting President**: I now call on His Excellency Mr. Ugo Mifsud Bonnici, former President of Malta, to pay special tribute to the late Ambassador Arvid Pardo of Malta.

**Mr. Bonnici** (Malta): Our globalized times cannot perhaps be best described as the result of the work contributed jointly and severally by a handful of visionaries. Millions upon millions of workers, hundreds of thousands of businessmen, managers and operators, an imprecise number of criminals also, thousands of politicians, functionaries, officials and diplomats have been, ant-like, constructing and deconstructing the present state of our planet, which is not the realization of a plan. We do not have a new world order. We have a state of fact — with some logic perhaps, some justice, continuous progress in some quarters, marvellous scientific discoveries and new miraculous technological applications, some spread of democracy and some respect for human rights and the rule of law, mostly the result of the exertions of men and women of vision.

This state of fact contains in addition, however, a more than tolerable dose of illogic, injustice, waste, hunger and disease, neglect, strife and destruction, mostly the work of confusion, inaction, ignorance, greed, craft and sheer ill-will. We need visionaries to lead peoples out of labyrinths, to inject reason, to work day in and day out for justice and to enlighten us on ways of avoiding waste, neglect and the exhaustion of resources, of achieving a better distribution of wealth, of the availability of cure and care, of the solution of conflicts and of the curbing of madness in government. We need visionaries to continue to inspire hope — and also to give an example of love. We will not, however, be satisfied with visionaries who will merely inspire hope and charity. We will not even be satisfied with visionaries who are merely fired by faith. We now require men and women who are not only endowed with prophetic vision; our visionaries must provide concrete answers. Our visionaries must now be

persuaders, men and women who not only possess insight but are also good conductors of their institutions. Their talents must include competence in their field, in addition to intuition. Our visionaries have a greater task to perform than the prophets of previous centuries.

We need visionaries with determination and patience, as the world has become too complex for simple, immediate, easily implemented solutions. Education and knowledge have spread but invincible ignorance as well as self-beguiling, little knowledge still bedevils the judgement of whole masses of people. We need visionaries *in loco*: we cannot afford to have them preaching in the deserts. We need visionaries in the universities as well as in the corridors of power. We need visionaries in diplomacy, in international organizations, in the boardrooms of international corporations, in parliaments, in government.

Arvid Pardo was such a visionary. His great competence as a jurist and as an international diplomat was combined with very wide human and work experience. He was of Maltese and Swedish parentage and was brought up in the Rome of the thirties. While he cherished his Maltese nationality and identity, he felt that he was also a citizen of the world. He studied law at Rome University and considered himself fundamentally moulded by the legal discipline. But he was also a man of the physical and human sciences, and the future of man and of our natural environment were foremost among his anxieties and hopes. Perhaps I should have used the singular, as indeed he saw the fate of the generations to come and of our planet's physical well-being, as being one and the same.

The vicissitudes of the 1939-1945 war in Italy and his own precarious peregrinations and survival endowed him with indomitable perseverance in the face of all kinds of adversity and the unpredictable turns of the wheel of fortune. His service with the United Nations provided him with inside knowledge of the workings of the system and made him very much aware of the feelings within the milieu of international diplomacy. As a visionary he was extremely well prepared by his family history, working life and academic background. The United Nations was of course by no means a desert. But it was his appointment in the middle sixties as Ambassador Extraordinary by newly independent Malta that provided him with the loco through which he could exercise his visionary function of trying to bring about more logic, more justice, more legal order in a particular area of man's dealings and interchange with nature, as well as in the generational succession.

Pardo saw his opportunity, as Malta's seat at the United Nations provided him with the first pulpit from which to proclaim his vision of a new law of the sea, and a new way of exploiting the natural riches of the ocean bed. It was Pardo who proposed to the then Prime Minister of my country, Giorgio Borg Olivera, that Malta should take the initiative and propose the adoption of certain principles with regard to the exploitation of the ocean floor and its subsoil beyond the limit of national jurisdiction. Some doubt was expressed about the wisdom of trying to get the limelight so early in our post-independence debut in the international congress of nations. The Government of Malta, however, saw the objective need and wholeheartedly embraced it.

Pardo proceeded to deliver his memorable speech to the twenty-second session of the General Assembly in the autumn of 1967. His ardour was not dampened by the initial negative reactions of some representatives of major Powers. He continued to pursue his proposal through the adoption of resolutions by the General Assembly in December 1967, 1968 and 1969, reserving the ocean floor and its subsoil for purely peaceful purposes. The Ad Hoc Committee was established in 1967 and confirmed and enlarged in 1968. Finally, on 17 December 1970, the General Assembly approved not only resolution 2749 (XXV) incorporating the principles, but also resolution 2750 (XXV) convening in 1973 a law of the sea conference. A 35-, then 41- and finally a 91-member strong committee was entrusted with the task of preparing drafts of the convention.

Pardo took part in various *pacem in maribus* convocations together with another departed, Elisabeth Mann Borgese, and Pardo provided much of the juridical raw material. I recall visiting his home in Washington in September 1970 and had long discussions with him concerning the prospect of the realization of his initiative. Even though he was totally engrossed in what he considered was his most important mission, his interest in the future was not limited to the sea and its seabed. From the angle of a seer he was reflecting on the great technological changes, the bioethical challenges, the geopolitical rearrangements that mankind would have to face in the twenty-first century still 30 years away but

substantially already with him in his mind's eye. Then lowering his gaze to the present and very mundane particular circumstances, he made me promise to suggest to the Finance Ministry when I returned to Malta that they should provide some money for the repair of the roof of the Ambassador's residence.

There was however a change of government in Malta in 1971 and Pardo had to contend with a diminished enthusiasm on the part of his home country. His determination was put to the test as he was removed from his ambassador's pulpit. Thereafter he could serve the cause laterally through his influence with the experts, fellow diplomats and academics. Even when the new Government eventually appointed him Special Envoy for the purpose, he no longer had the clout he had enjoyed with the former Government of Malta and Malta's interest itself flagged. Pardo, however, continued to prod, to encourage, and to suggest alternatives and formulations.

Pardo's grand design included aspects that were considered too daring at the time, and perhaps even today. The commonality of the heritage of man could be accepted readily in the flourish of declarations but when the logical conclusions are drawn amounting to the setting up of an international organization for the exploration of seabed resources for the benefit of all, using the technical means available only to the richest and most advanced of nations, the project encountered major obstacles. These were only surmounted by substantial compromise, redimensioning most of the original proposals.

Pardo soldiered on and was happy to see the conclusion of the exercise in the final act, the opening for signature of the Convention in Montego Bay, Jamaica, on 10 December 1982. He was of course not completely satisfied with the outcome but continued to work for the acceptance of the concepts embodied in the text of the Convention on the Law of the Sea, and towards further progress in the study of this area of international law as well as in the science and technology connected with the protection of the seas, the seabed and the marine environment, and their exploitation for exclusively peaceful purposes. The last time I met him in 1997, when I was then President of the Republic, he had come to Malta to attend the formal grant of a post-graduate scholarship to an academic from a developing country in this field of study.

No one of us lives and dies as if he had never been. We however have a depth of gratitude towards people of vision who see a civilizing project to its conclusion. It would have made a great difference to all humanity if visionaries had never been born, or had succumbed to the fatigue of indifference, incomprehension and inertia. I pay tribute to a great man from a small nation who contributed a part of the mosaic which makes sense in the great mural of our civilization, in large part, alas, still unfinished or unscrambled.

**The Acting President**: I now call on His Excellency Mr. Tommy Koh, President of the Third United Nations Conference on the Law of the Sea.

**Mr. Koh** (President, Third United Nations Conference on the Law of the Sea): In accordance with the Acting President's exhortation to limit our statements to 10 minutes, and more importantly, in accordance with my wife's standing instruction, I shall make only three points. Let me explain my reference to my wife. My wife and I have spent 13 happy years of our lives in this house. However, in those years my wife had to endure the agony of listening to too many seemingly interminable speeches. As a result of that unhappy experience my wife has advised me to speak briefly and never to make more than three points.

As my first point I want to ask the question, has the 1982 Convention lived up to our hopes and aspirations? I hope I do not sound boastful when I say that the Convention has achieved our shared vision. The Convention has made a modest contribution to international peace and security by, for example, replacing a plethora of conflicting national claims with internationally agreed limits on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. The world community's important interest in the freedom of navigation has been well served by the delicate compromises contained in the Convention on the status of the exclusive economic zone, on the regime of innocent passage through the territorial sea, the regime of transit passage through straits used for international navigation, and the regime of archipelagic sea lanes passage.

The Convention has also made a contribution to the peaceful settlement of disputes by having a mandatory, not an optional, system for settling disputes between and among States. I am very pleased to inform the Assembly that in the past 20 years I can think of no

single instance in which a dispute over the interpretation of the Convention has led to the use of force. Instead, such disputes have regularly been referred to the International Tribunal for the Law of the Sea, established by this Convention, and flourishing in the Hanseatic city of Hamburg, or to the International Court of Justice, or to arbitration or conciliation.

The Convention is like a constitution which seeks to regulate all aspects of the uses and resources of the seas and oceans. The underlying philosophy of the Convention is that we must treat the ocean space as an ecological whole. The importance of the seas and oceans is brought home visually to us when we look at pictures of the earth from space and we realize once more that two thirds of the earth's surface is covered by the seas and the oceans. Ninety per cent of world trade is seaborne. Fish is still our most important source of protein and every year we harvest from the seas 90 million tons of fish, valued at $50 billion, and employing 36 million people in the fishing and aquaculture industries. The seas are also an important source of our fossil fuel. About 30 per cent of the production of oil and gas is derived offshore. The ocean also provides us with fresh water and is an important stabilizer of the world's climate. It is therefore not an exaggeration to say that life on earth is to some extent dependent upon the health of our seas and our oceans. We should therefore not only not pollute our ocean space but should keep it clean and healthy. We should enjoy the bountiful resources of the ocean space but should do it in a sustainable way.

I now go to my second point, which is that the process of achieving the Convention is almost as important as the Convention itself. I wish to argue that the Conference was probably the first truly global effort of mankind to work collaboratively and inclusively in the development of international law. It developed, tested and refined diplomatic techniques and processes which live on today in the United Nations and in many multilateral conferences. I have in mind such things as the practice of arriving at substantive agreements by consensus; the concept of the package deal; the evolution of interest groups; the progressive miniaturization of the negotiating process; the use of formal, informal and even privately convened groups; the roles of the conference leaders and the secretariat; and the important contributions made by non-governmental organizations such as the Neptune Group. Through the Conference, we have built a global community of lawyers, diplomats, political leaders, scholars, business people, military personnel, scientists, representatives of the non-governmental organizations and the media.

I regret to inform the Assembly that many of these good people are no longer with us. In addition to the inspirational Arvid Pardo, I wish also to use this occasion to pay a brief tribute to my predecessor as President of the Conference, Hamilton Shirley Amerasinghe of Sri Lanka, Andrés Aguilar of Venezuela, Hans G. Anderson of Iceland, Alfonso Arias-Schreiber of Peru, Chris Beebe of New Zealand, Jorge Castañeda of Mexico, Jean Depuy of France, Ernesto de la Guardia of Argentina, Roger Jacklin of the United Kingdom, Karl Hermann Knoke of Germany, Guy de la Charriere of France, Elisabeth Mann Borgese of Germany, Austria and Canada, truly a global citizen, Jean Monier of Switzerland, Blaise Rabetafika of Madagascar, Elliot Richardson of the United States, Willem Riphagen of the Netherlands, John Stevenson of the United States, Alfred van der Essen of Belgium, and Mustafa Kamil Yassen of the United Arab Emirates.

I should also like to refer to two beloved brothers of the secretariat who have left us, Constantin Stavropoulos of Greece and Bernardo Zuleta of Venezuela. Finally, from the non-governmental organizations, I should like to very sincerely remember Sam and Miriam Levering of the Neptune Group.

Those of us who are veterans of the Third United Nations Conference are growing old, and the next time we have a reunion like this I do not know how many members of the club will still be here. With your permission, Mr. President, and with the permission of representatives, I would just ask all these wonderful people to stand so that we can acknowledge their presence this morning.

I come now to my third and final point. I have been asked whether it is time to review the Convention. My answer is that there is no apparent need to review the Convention. The Convention has stood the test of time well. We have also been able, by pragmatic processes, to resolve the Convention's imperfections and provide solutions to problems that were left unresolved by the Convention. For example, the Assembly adopted a resolution (resolution 48/263) containing an implementation Agreement on Part XI of the Convention. The effect of the Agreement was to

amend that part of the Convention dealing with deep seabed mining. As a result, countries that had opposed the Convention in 1982 are now able to support it.

Again, in 1992, the United Nations Conference on Environment and Development called for a conference to deal with the problem of deep-sea fisheries, singling out in particular the two problems of straddling fish stocks and highly migratory species of fish. The United Nations convened a conference in 1993 and adopted an Agreement to deal with the problem in 1995. I want to pay a special tribute to my brother from Fiji, Ambassador Satya Nandan, who chaired both negotiations.

Recently, the European Commission has called attention to the alarming depletion of the stock of cod in the Atlantic. This is an example of a problem that cannot be fixed at the global level but that has to be solved at the regional or subregional level through cooperation among all the stakeholders. The Food and Agriculture Organization of the United Nations (FAO) has played a very constructive and proactive role in this respect.

The Convention contains a framework of rules that require the implementing actions of States and competent authorities. For example, the Convention requires countries to cooperate in order to prevent or suppress acts of piracy, drug trafficking and migrant smuggling. In the post-11-September-2001 world there is a danger that terrorists will link up with the pirates to attack ships in port or at sea. It is therefore timely for the International Maritime Organization (IMO) to convene a diplomatic conference on maritime security. I hope that the conference being held right now in London will succeed in arriving at a consensus, which can then be incorporated into the International Convention for the Safety of Life at Sea.

The recent accidents involving the oil tankers *Erika*, off the coast of France, and *Prestige*, off the coast of Spain, have called the urgent attention of the world to the dangers posed by single-hull oil tankers. I urge the IMO to consider phasing out such tankers earlier than the agreed date of 2015. Failure to act collectively may tempt some States to act unilaterally. I also urge the IMO to look into how to curb abuses of the regime of flags of convenience.

I wish to conclude by quoting a sentence from our beloved Secretary-General, Mr. Kofi Annan, who has said that the Law of the Sea Convention is one of the greatest achievements of the United Nations. On behalf of all my colleagues who spent more than a decade in this effort I wish to say, "Thank you, Secretary-General". I am sure that I speak for all of them when I say that our ambition was to make a modest contribution to the rule of law and to help the United Nations to build a more peaceful and more equitable world. Our dream is that one day we shall live in a world in which differences between and among States are settled peacefully and in accordance with the rule of law. Thank you, Mr. Secretary-General, for sharing our dream.

**The Acting President**: I thank His Excellency Mr. Tommy Koh for faithfully following his wife's advice. I hope that the speakers who follow have also had similar advice.

I now call on His Excellency Mr. Denis Dangue Réwaka of Gabon who will speak on behalf of the African States.

**Mr. Dangue Réwaka** (Gabon) (*spoke in French*): Africa is pleased to participate in the commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The adoption of that Convention was a major turning point in the history of the international cooperation that has developed in the last few years under the dual impact of the integration and globalization processes. The United Nations Convention on the Law of the Sea is a legal framework which regulates all maritime environments, and in particular regulates the delimitation of maritime areas, environmental protection, marine scientific research, economic and commercial activities, technology transfer and ocean-related dispute settlement.

Since its entry into force on 16 November 1994 the Convention on the Law of the Sea has allowed many coastal countries, including many African countries, to resolve some problems related to the protection and management of their maritime territories.

Given the progress made in implementing the Convention, Africa reiterates its support for the strengthening of this most useful instrument. However, given the profound changes and evolution in the world in the past two decades, the Convention needs to be more in line with the tenor of the times. It is for this reason that Africa supported General Assembly resolution 54/33 dated 24 November 1999, which

recommended the establishment of an Open-ended Informal Consultative Process designed to facilitate the reconsideration of the Convention by the United Nations General Assembly. Africa is pleased with the report which has sanctioned the work of the Consultative Process, document A/57/80, dated 2 July 2002.

This is the place to pay a well-deserved tribute to the two co-Chairpersons, Mr. Tuiloma Neroni Slade and Mr. Alan Simcock, for the efforts they made to help us to achieve the results of which members are all aware. At the same time, Africa wishes to state that the thinking about a review of the Convention must focus on the management and rational utilization of marine resources and must also take into account the results and commitments coming out of major international conferences, such as the World Summit on Sustainable Development in Johannesburg. In fact, there is an obvious link between oceans, seas and sustainable development. The decline of resources and the deterioration of marine environments constitute a credible threat to the environments, especially since the sea is an important link in the chain of life. We therefore have the obligation to use oceans and seas in conformity with the agreements in place in this area.

The process of adapting and strengthening the Convention should also take into account the economic situation in Africa, whose countries, including those with a sea coast, are at present marginalized within the world economy. The new provisions should provide means that will allow Africa to implement this instrument effectively. The same holds true for preventing, reducing and combating the pollution of waterways, which are very important areas, and which therefore should be a major focus of the Convention. All States must cooperate and make a commitment to take the measures necessary for this purpose at the highest political level.

The problems of seas and oceans must, because of their diversity and complexity, come under a global and integrated management. It is essential, therefore, for international organizations, which play a critical role in the implementation of the United Nations Convention on the Law of the Sea, to coordinate and harmonize their actions. The new mechanism proposed in the reports on the informal consultative process seems to meet the need for harmonization and coordination. To achieve that objective, this mechanism will need to extend to all countries, including developing countries, and to regional African organizations that are affected by maritime issues. Africa, fully cognizant of the contribution of seas and oceans to its development, is hoping for appropriate international aid that would help us to participate fully in meetings of the mechanism.

**The Acting President**: I now call on His Excellency, Mr. Koichi Haraguchi of Japan, who will speak on behalf of the Asian States.

**Mr. Haraguchi** (Japan): At the outset I should like to express my appreciation to the High-Level Committee of Ambassadors, which has overseen the preparations for this event. My thanks go as well to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations for its contribution to the convening of this special meeting. It is my great honour to speak on behalf of the 53 members in the Asian Group at this ceremony commemorating the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

All those who participated in the Third United Nations Conference on the Law of the Sea, and who contributed to the formulation of the text of the Convention, deserve our profound gratitude. In particular, I should like to pay tribute to the late Ambassador Arvid Pardo, who proposed the issue of the peaceful uses of the seabed and ocean floor for inclusion on the agenda of the twenty-second session of the General Assembly in 1967 with his famous speech expressing the concept of the common heritage of mankind. His words led to the establishment of the Committee on the Peaceful Uses of the Seabed, which in turn led to the convening of the Conference. At the same time we should never forget the contribution of Ambassador Tommy Koh who, as President of the Conference, worked tirelessly for the finalization of the text of the Convention.

Some distinguished guests and representatives present at this ceremony I believe also participated in the Conference and contributed to the formulation of the text of the Convention. As we all well know, after nine years of very tough negotiations from 1972 to 1982, the Convention was finally adopted on 30 April 1982 and opened for signature in Montego Bay, Jamaica, on 10 December, precisely 20 years ago. Since the Convention entered into force in 1994, the number of States parties has grown to 138. The

Convention covers a whole range of areas and issues, including international navigation, ocean transportation, the equitable and efficient utilization of ocean resources, the conservation and management of living marine resources, the protection and preservation of the marine environment, and the right of access of land-locked States to and from the sea.

The adoption of the Convention was followed by the adoption of two documents that are now of importance in this area, that is, the Agreement relating to the implementation of Part XI of the Convention, and the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. It should also be noted that the three international bodies established under the Convention, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority, and the Commission on the Limits of the Continental Shelf, have all been playing important roles in the implementation of the provisions of the Convention and the Agreements.

In the Asian region, as well as in every other region of the world, along with fishing and navigation as the oldest use of the sea, trade via sea routes has brought wealth since ancient times. In addition, the sea has been a door to different cultures, providing for interaction and communication between countries. However, we should not close our eyes to the ways in which the seas have been abused. I refer, for example, to piracy, armed robbery against ships, and smuggling of drugs and illegal substances. I also wish to draw attention to the fact that since the adoption of the Convention, the discussion on global environmental issues has made dramatic progress through the 1992 Earth Summit in Rio de Janeiro and the 2002 World Summit on Sustainable Development in Johannesburg. By means of these Conferences, the people in Asia have also become increasingly aware of the importance of global marine environment issues. In order to deal with these issues, we will continue to make the utmost effort to further strengthen cooperation, not only regionally but also globally. The Convention serves as an important and useful legal framework for cooperation in this area. Out of the total of 54 Asian Group members, 37 are now States parties to the Convention.

A visitor to the American Museum of Natural History here in New York will find a darkened corner in front of the Planetarium where several dozen video screens are installed. On the screens visitors find a series of questions about stars, planets and the Earth. Among the questions one remains vivid in my mind: "Which is indispensable for life? (a) Air; (b) Light; or (c) Water." The correct answer I was told is (c) Water. The video programme then proceeds to suggest that although there seems to be no planet in the solar system other than the Earth that maintains such a vast volume of water on its surface, if there are planets or stars in other parts of space that are endowed with water then there would be a possibility of life there. In other words, the video programme reminds us that water is the source of life and that our planet Earth is uniquely fortunate in being endowed with the vast expanse of the sea. By thinking in this way it is incumbent upon us to make sure that the sea is kept and used as a means of enhancing peace and prosperity, the very basis of our life. That is very much the line taken by the Convention which says of itself in its preamble that it has "historic significance ... as an important contribution to the maintenance of peace, justice and progress for all peoples of the world".

The Convention has served the goal of ocean use by humankind over the past 20 years. On behalf of the 53 States members of the Asian Group, I am pleased to express my belief that the prominent role the Convention has played to date will continue to grow.

**The Acting President**: I now call on His Excellency Mr. Movses Abelian of Armenia, who will speak on behalf of the Eastern European States.

**Mr. Abelian** (Armenia): I have the honour to address the General Assembly in my capacity as Chairman of the Group of Eastern European States on this remarkable occasion of the commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

The significance of the 1982 Convention is hardly possible to overestimate. Throughout history, the sea and its enormous wealth have become an indispensable part of human life by providing rich resources for nourishment, promoting trade and sustaining economic prosperity, as well as encouraging scientific discovery and artistic inspiration. As an essential part of the biosphere, the world's oceans are also a crucial element for sustainable development.

Until 20 years ago, however, there was no single international legal framework to govern relations

between nations in the seas and oceans and to regulate the use and conservation of marine resources, the protection of the environment and encouragement of scientific research. Moreover, the advancement of technological progress in the twentieth century seriously challenged existing traditional sea-law arrangements, proving their inadequacy to meet the new challenges.

It is against this background that one should evaluate the merits and significance of the Convention. It is indeed a unique international legal instrument, which combines traditional rules and well-established norms with the introduction of new legal concepts in order to address the whole spectrum of issues relating to the seas and oceans in a comprehensive and consistent manner and thus to ensure the peaceful use of the seas, facilitate international cooperation and promote stability. The Convention for the first time lays down a universal international regime which covers all areas of the use of the oceans and seas, based on the notion that all problems of the world's oceans are interrelated and need to be addressed as a whole. The Convention legally defines and regulates such contentious issues as territorial sea limits, navigational rights and the passage of ships through straits, sovereign rights and legal status in respect of resources of the seabed within and beyond the limits of national jurisdiction. More importantly, it also provides for an equitable use of the oceans and seas by all States, including landlocked countries, and for a binding procedure for the peaceful settlement of disputes between the States.

The 20 years following the signature of the Convention have yielded some significant results. The Convention has proved to be not a static but rather a dynamic and evolving body of law. International instruments emanating from the Convention are entering into force, in particular two agreements directly related to the implementation of the Convention are already in action. The Agreement relating to the implementation of Part XI of the Convention and the Agreement on the implementation of the Convention's provisions relating to the conservation and management of fish stocks. Three institutions have been created in order to regulate specific aspects of the regime — the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. All these are evidence of the successful functioning of the Convention that has led to its wide ratification since its entry into force in 1994.

The elaboration of the Convention on the Law of the Sea has provided one of the best examples of international law-making by the United Nations, a function entrusted to it by the Charter. However the role of the United Nations in maritime affairs does not stop with the adoption of the Convention. Today, 20 years after the adoption of this important legal instrument, the issues of its universal ratification and full implementation are gaining increasing importance. Political commitment and practical actions are necessary at all global, regional and national levels in order to fully realize the promise of the Convention, maximize the benefits from the world's oceans and seas and, at the same time, minimize the risks that have arisen, especially the risk of the degradation of the marine environment and resources.

That is where the United Nations can play a very important role. With the entry into force of the Convention, the Secretary-General has assumed the role of overseeing developments relating to the Convention, the law of the sea, and ocean affairs in general. The Eastern European Group is pleased to note that the United Nations is fulfilling efficiently the responsibilities entrusted to it by the Convention and is confident that it will promote the proper implementation of the Convention for the benefit of the whole international community.

In conclusion, we would like to join all previous speakers in paying a special tribute to the late Ambassador Arvid Pardo of Malta. Indeed, today's event would have been incomplete without commending his notable role in the adoption of the Convention, in particular, and his remarkable contribution to the development of the law of the sea in general.

**The Acting President**: I now call on His Excellency, Mr. Milos Alcalay of Venezuela who will speak on behalf of the Latin American and Caribbean States.

**Mr. Alcalay** (Venezuela) (*spoke in Spanish*): It is a great honour for me to speak on behalf of the members of the Latin American and Caribbean Group in this meeting that commemorates the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

It is also an immense privilege to recall on this occasion the role that the Latin American and Caribbean region played in the long process that led to the adoption of this vitally important instrument, whose initial negotiation took place in Caracas, in my own country Venezuela, and whose opening for signature was also in our region in Montego Bay, Jamaica. Our part of the world enthusiastically welcomed and saw the development of this important instrument and will therefore always be associated with it. This was undoubtedly an action of great importance in which the members of our region have always been, and still are, ready to participate in a constructive spirit and they made significant contributions to the development of the present law of the sea.

If I might mention just a few of the main participants from our region who from different posts as conference authorities, as heads of delegation or as high-level United Nations staff, had special responsibilities. Tribute has already been paid to them this morning and I want to associate myself with that tribute by recalling names such as those of my compatriot Andrés Aguilar, who was head of the Venezuelan delegation and who presided over the Second Committee of the Conference in almost all of its sessions. Likewise, I should like to recall Ambassador Reynaldo Galindo Pohl of El Salvador; Ambassador Bernardo Zuleta of Colombia, who was the Special Representative of the Secretary-General of the Conference; Ambassadors Jorge Castañeda of Mexico, and Alfonso Arias-Schreiber of Peru, all of whom had the responsibility of coordinating the substantive position of our region, particularly as regards the exclusive economic zone.

I should also like to recall Ambassador Alvaro de Soto of Peru who, as Chairman and negotiator of the G-77 — over which my country now has the honour to preside — played a very important role, as did Ambassador Rattray of Jamaica, who was Rapporteur of the Conference; Dolliver Nelson of Grenada, who is President of the International Tribunal for the Law of the Sea; and so many others whose names have been mentioned during this ceremony. I pay a heartfelt tribute to all of them on behalf of my region. It would take too long to list all the representatives from our region who played an active and important role in the various negotiations during the many years of work on the Convention. Nonetheless, it would be impossible to fail to mention at least some of the names of these significant persons as I have done, since the Latin American and Caribbean region has done so much work to produce this law of the sea and to continue to adapt it to emerging realities.

The participation of representatives of the region was active and very positive in the preparatory stages in which all the parties to the Montego Bay Convention worked so hard. But undoubtedly the most important contribution of our region relates to two specific areas which happen to be the most innovative parts of the Convention. These two sections are — and I have already referred to these in mentioning the names of participants from our region — part V, on the exclusive economic zone, and part VI relating to the regime for the seabed and ocean floor beyond the limits of national jurisdiction.

The importance of these developments can only be understood if we bear in mind the fact that the establishment of the exclusive economic zone was one concept within a broader negotiation, or a negotiating package, including the setting of a maximum outer limit for the territorial sea, the adoption of a regime for straits used for international navigation, and a special regime for archipelagic States.

Likewise, the new concepts of the exclusive economic zone and the international area composed of the seabed and ocean floor beyond the limits of national jurisdiction, also required a more specific determination of the outer limit of the continental shelf under the sovereignty of coastal States.

The Latin American and Caribbean countries were fully aware of the importance of the sea for purposes of communications, navigation, overflight, and for the laying of cables and pipelines. But their main interests were the resources that are in the marine spaces, given their growing importance both for the well-being of their populations and for their development. That has been underscored this year as one of the main objectives of the United Nations — in other words, the challenge of development as our main priority.

We must bear in mind the confrontation that existed over the traditional law of the sea which only recognized ownership of the resources located within a three-mile fringe which was then accepted as the outer limit of the territorial sea. With the development of the concept of the continental shelf and its wide acceptance at that time, there was a solid legal basis for the claims

of coastal States regarding oil and most of the minerals that are normally found in the continental shelf and its subsoil. Nonetheless, the definition of rights over the living resources of the ocean remained pending.

Those were some of the reasons why the countries of Latin America adopted initiatives through statements of a unilateral and multilateral nature in the decade of the 1950s and also in the years that preceded the beginning of the Third United Nations Conference on the Law of the Sea that led to the Convention that we now commemorate. All these statements called for the establishment of new rules for marine spaces and their resources, laying the groundwork for the positions that were later put forward at the Conference itself.

In addition, the countries of Latin America and the Caribbean gave their full support to the proposal made by Ambassador Arvid Pardo, Permanent Representative of Malta to the United Nations, to whom we pay tribute today in this commemorative ceremony, as was recognized by the former President of Malta, His Excellency Mr. Bonnici, in the statement made here this morning, a statement that I welcome and commend.

His proposal to declare the seabed as the common heritage of mankind was an initiative to which the countries of Latin America made important contributions through the drafting and preparation of a legal regime for the seabed and its subsoil beyond the limits of national jurisdiction.

The countries of Latin America and the Caribbean, acting collectively within the Group of 77, and also individually, contributed substantially to the drafting of the declaration of principles that would govern the area, and that was adopted by the General Assembly under the recommendation of the seabed Committee.

I should like to highlight a few additional elements. I will circulate them in writing because I do not want to speak beyond the 10-minute limit, although I did not get any direct instructions to that effect from my wife this morning. However, I do want to follow the limits of this important commemoration so I will request that my further comments be circulated to members.

I want to conclude by saying that many countries of the Latin American and Caribbean region have already ratified this important instrument. Others in our region have not yet been able to do so, but that may be because they are awaiting better conditions that will allow them to join the Convention, although they have incorporated in their legislation or explicitly accepted most of the provisions of the Convention. That illustrates the achievements of the Convention on the Law of the Sea, and also the challenges that lie ahead in a changing world, a world that needs such a Convention to make us move towards the main objectives of this great United Nations. On behalf of Latin America and the Caribbean, may I express our admiration for this Convention and the most important work within it.

**The Acting President**: I now call on His Excellency Mr. Pierre Schori of Sweden, who will speak on behalf of the Western European and other States.

**Mr. Schori** (Sweden): I have the honour to make this statement on behalf of the Western European and other States group. One member State, however, is not associated with the statement.

At the outset let me join Mr. Ugo Mifsud Bonnici in paying tribute to the late Ambassador Arvid Pardo, founding father of ideas leading up to the Third United Nations Conference on the Law of the Sea and the Convention which we celebrate today on the twentieth anniversary of its opening for signature. Furthermore, let me pay tribute to the late Hamilton Shirley Amerasinghe of Sri Lanka, who served as President of the Conference from its first to its ninth session. Let me also join others to convey our thanks to distinguished Ambassador Tommy "three-point" Koh of Singapore, whose outstanding skills and guidance as President of the Conference were crucial for the coming into being of the Convention. Let me also convey our gratitude to the United Nations Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea, for their dedicated efforts throughout the years and whose expertise and competence have been manifested in the various meetings they have organized and in the studies and reports they have produced.

This is an historic moment. Tomorrow is the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, one of the greatest achievements in international legal cooperation of the last century. At the commemoration 10 years ago, the Convention had not yet entered into

force and its organs had not yet been established. The situation today is very different. The law of the sea Convention entered into force on 16 November 1994 and now more than 130 States are parties to the Convention. The organs provided for in the Convention are now established and well in function. There is the International Seabed Authority, which is successfully preparing the ground for future activities in the Area. There is the International Tribunal for the Law of the Sea, at Hamburg, Germany, which has begun to adjudicate disputes within the domain of the law of the sea. There is the Commission on the Limits of the Continental Shelf, which has now received its first application, thus beginning its complicated work aimed at the final determination of the outer limits of the continental shelves beyond 200 nautical miles from the baselines. It is highly satisfactory that the whole system created through the Law of the Sea Convention is now up and running.

The adoption in 1982 of the Law of the Sea Convention stands out as a major legal and political achievement for the international community. In important matters, the Convention codified rules and principles already existing, but it also implied considerable progressive development of international law. The Convention has, since its adoption, exercised a dominant influence on the conduct of States in maritime matters and is a primary source of the international law of the sea. The Convention forms the legal framework within which all activities in the oceans and seas must be carried out and is of fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas.

**The Acting President**: I now call on His Excellency Mr. Don MacKay, President of the Twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea.

**Mr. MacKay** (New Zealand, President, Twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea): Today we commemorate the achievement represented by the adoption of the 1982 United Nations Convention on the Law of the Sea. To do so in the presence of so many distinguished individuals who contributed to the development of the Convention, is a particular honour. Let me join all others in conveying thanks and congratulations to Ambassador Tommy Koh of Singapore, who guided us so successfully through the last sessions of the Conference, and to His Excellency, Ambassador Javier Péréz de Cuéllar who, as Secretary-General, addressed the final session of the Conference in Montego Bay and so rightly noted that, with the adoption of the Convention, international law had been irrevocably transformed.

Twenty years after the adoption of the Convention, the transformation it brought about has been so complete that to a generation of new international lawyers, the principles of the Convention represent the unexceptional status quo. The Convention is fast approaching universal participation. With the three latest States to have joined the Convention — Tuvalu, Qatar and Armenia — the Convention will now have 141 States parties, both coastal and landlocked States, from every region of the world. The almost universal acceptance of the legal regime established by the Convention is evidenced not only by the number of its States parties, but also by the widespread application and implementation of its principles in domestic law and practice, by States parties and by many non-parties alike.

The Convention has a unique place in international law from a number of perspectives. Procedurally, it represents a success of the international legal process of the highest order. Doctrinally, it provides the cornerstone of all modern efforts to develop and implement the legal framework for the oceans and seas and their resources. And practically, it has secured rights and benefits for all States, coastal and landlocked, and played a crucial role in contributing to international peace and security.

The States parties to the Convention have, of course, a particular role in relation to it. Twelve Meetings of States Parties to the Convention have been held since it entered into force. These meetings have had an important part in constructing the machinery provided for in the Convention. The Meeting of States Parties has particular responsibility for the election of members of two of the Convention's bodies: the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. Both of those bodies have now been established, the necessary rules and guidelines for their operation have been adopted, and both are carrying out substantive work in accordance with their mandates.

The Meetings of States Parties have also provided an opportunity for those States that have assumed the obligations and responsibilities of the Convention to consider particular issues relating to the application of the Convention as may arise from time to time. The Eleventh Meeting of States Parties, for instance, conscious in particular of the situation of developing States, adjusted the date of commencement of the 10-year time period for making submissions to the Commission on the Continental Shelf to reflect the date of the establishment of the Commission itself.

The work of the Meetings of States Parties, and indeed the implementation of the Convention generally, have been greatly assisted over the years by the staff of the Division for Ocean Affairs and the Law of the Sea, who represent a repository of knowledge and experience on issues of both law and practice relating to the Convention. It is fitting I think that as we pay tribute to those delegations that worked to bring the Convention about, we should remember also those members of the Secretariat who contributed to the Third Conference and those who continue to service the Convention today.

The active engagement of delegations in the annual Meetings of States Parties confirms the continued relevance of the Convention, as does the General Assembly's decision to commemorate the Convention in this way today. The goal of universal participation by States parties in the annual Meeting was met this year, and we can hope that the broader goal of universal participation in the Convention itself will be met well before we gather to celebrate its next anniversary.

Finally, may I acknowledge and thank the Division for Ocean Affairs and the Law of the Sea for their superb efforts in putting in place the arrangements for today and tomorrow, and also my colleagues who have helped guide this process. I should also like to thank New York Missions, the Institute of Oceans Policy and Law at the University of Virginia and the International Seabed Authority, which have so generously assisted with the costs of associated events.

**The Acting President**: I now call on His Excellency Mr. Martin Belinga-Eboutou, President of the Assembly of the International Seabed Authority.

**Mr. Belinga-Eboutou** (President of the Assembly of the International Seabed Authority) (*spoke in French*): I am deeply moved to be speaking at this commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. How could I possibly conceal my feelings as I speak from the very same rostrum from which Ambassador Arvid Pardo of Malta on 1 November 1967 made his now famous appeal on behalf of the common heritage of mankind? I also feel honoured to be speaking on this important occasion in my capacity as President of the eighth session of the Assembly of the International Seabed Authority, one of the main institutions created by the Convention.

Happily, the heartfelt appeal made by Ambassador Pardo was heard. The international seabed regime enshrined in the United Nations Convention on the Law of the Sea is now a reality. Likewise, the generous concept of the common heritage of mankind, which is its cornerstone, is today deeply anchored in the minds of States whether or not they are parties to the Convention. That means — and this is important — that the seas and oceans are no longer a source of division but rather one of solidarity.

Here, I am pleased to remember with gratitude Ambassador Pardo and the other distinguished pioneers of the law of the sea. I want to associate myself with the well-deserved tributes paid to them. I should also like to salute the memory of Miss Elisabeth Mann Borgese, citizen of the world, and to pay tribute to her work for the development, strengthening and dissemination of the legal framework established by the Convention.

What a long way we have come since 10 December 1982, when the United Nations Convention on the Law of the Sea was opened for signature. On that day a record number of 119 signatures was reached. Today, 20 years later, the importance that the international community attaches to that legal instrument is increasing and we are making strides towards universal participation, with 157 signatory States and 142 States parties. This great interest is commensurate with the vital importance of the Convention for the present and future of humankind.

The merits of the Convention have been sufficiently described by preceding speakers. Having participated in its negotiation and drafting, they did so with great eloquence. So let us allow their words to resonate within us. I myself would like to recall that the United Nations Convention on the Law of the Sea

is an immense act of faith. It is a beautiful hymn to cooperation and international solidarity. It describes and points the way to what the new international economic order must be, an international order that is wanted, organized and administered by us all for the benefit of and in the interests of each and every one of us. The Millennium Declaration is based on that same approach.

One of the most fundamental aspects of the Convention is that it proclaims the seabed beyond the limits of national jurisdiction to be the common heritage of mankind, a heritage that everyone has the right to use and the duty to protect. In order to preserve the resources of this common heritage of mankind, the Convention created a new organization, the International Seabed Authority, through which the States parties to the Convention organize and monitor the activities that are conducted in the international seabed zone, and in particular, the administration of its resources such as polymetallic nodules, sulphides and cobalt-rich crusts.

Over the past five years the members of the Authority and its secretariat have mainly focused on taking the practical decisions that are necessary for the proper functioning of the Authority as an autonomous international organization within the United Nations system. They have established various bodies and organs of the Authority, adopted the rules of procedure of its organs, adopted the financial and staff regulations, concluded a headquarters agreement, and periodically established a budget as well as a scale of assessments. In addition to these organizational activities the Authority has tackled the development of norms. In six years the record of achievement is impressive. It includes adoption of the rules for the exploration and mining of polymetallic nodules in the Area, conclusion of exploration contracts with seven pioneer investors and preparation of a programme of technical workshops in order to expand scientific know-how on questions related to the mining of the seabed.

During its eighth session, held at Kingston from 5 to 16 August 2002, the Assembly of the International Seabed Authority began the consideration of the rules to be adopted for the exploration and mining of other types of mineral resources that might be in the zone, in other words, hydrothermal polymetallic sulphides and cobalt-rich crusts. It also examined plans aimed at encouraging the promotion and coordination of seabed research, and lastly, it approved the emblem and the flag of the Authority.

In other words, after adopting a range of decisions to define its institutional framework, the Authority now is taking up questions that are more technical in nature. Even though the prospects for the mining of the deep seabed are uncertain because of economic, physical and technological obstacles, the Authority is working to encourage research on the seabed. Thus, the future substantive work of the authority will focus on four main areas: monitoring of exploration contracts; promotion of marine scientific research in the Area and dissemination of its results; information gathering and the establishment of a scientific and technical database that will make it possible to better understand the seabed environment; and continued development of the appropriate regulatory framework for the development of other mineral resources in the Area.

The Convention gave the International Seabed Authority the difficult task of administering the common heritage of mankind in a just and equitable way for the benefit of all humanity. In a context that is not always the most favourable, it is endeavouring effectively to discharge its responsibilities. I should like to take the opportunity of this twentieth anniversary to pay a well-deserved tribute to the courage and dedication of the secretariat and of all the personnel of the Authority in Kingston. I also wish to make a strong appeal to all Member States to continue to give their full support to the Authority and to its activities. The challenges that lie ahead are many and substantial. The Authority will not be able to meet them without the support of all.

In our view, one of the main expressions of that support is participation in the activities of the Authority. In recent years, as the number of annual sessions has changed from two to one, unfortunately we have seen a steady erosion in State participation. This reduction in the number of participants in the meetings of the Authority has sometimes made it difficult to take important decisions, and it is at odds with the increase in the number of States parties to the Convention. I therefore want to invite Member States fully to participate in the work of the Authority and in particular of the ninth session of the Assembly of the International Seabed Authority that will be held in Kingston, Jamaica, from 28 July to 8 August 2003.

**The Acting President**: I now call on His Excellency Mr. Satya Nandan, Secretary-General of the International Seabed Authority.

**Mr. Nandan** (International Seabed Authority): Before I begin my substantive statement I want to inform Ambassador Tommy Koh that my wife also asked me to keep it short. But I am in a slightly worse position than he is because my wife is present here.

We celebrate today a Convention that has achieved unprecedented success in promoting peace and good order in the oceans. I should like to pay tribute to my colleagues and friends who participated in the Third United Nations Conference on the Law of the Sea, the Seabed Committee that preceded it, the Preparatory Commission that followed the Conference, and the negotiations on the Agreement for the implementation of Part XI of the Convention. But for their dedication to the cause of achieving a universally acceptable Convention we would not be here today to celebrate the twentieth anniversary of the adoption of the Convention and its opening for signature. Indeed, it is their individual and collective efforts over long years that we celebrate today. I am pleased to recognize the presence in the Assembly Hall of many of my colleagues and friends from the Conference. We are honoured by their presence. It would be remiss of me, however, not to remember those who have not been able to make it to this session or, especially, not to remember those who are now deceased. I should also like to acknowledge the contributions of the dedicated secretariat of the Conference and of the then Office of the Special Representative of the Secretary-General for the Law of the Sea, now the Division of Ocean Affairs and the Law of the Sea. In this regard I should like to recall the invaluable contributions of two of my predecessors as Special Representatives of the Secretary-General for the Law of the Sea, the late Constantin Stavropoulos of Greece and the late Bernardo Zuleta of Colombia.

The Third United Nations Conference on the Law of the Sea and its legislative and institutional outcomes have made an important and undeniable contribution to the rule of law over the past 20 years. For centuries it was assumed that the sheer vastness of the oceans and their apparently inexhaustible productivity exceeded human capacity for use and abuse. It was only in the latter part of the last century that we began to realize, as rapid advances in science and technology increased our understanding of the vulnerability of ocean processes, that the old assumptions were no longer valid.

It is against that background that we must measure and evaluate mankind's attempts to establish a public order for the oceans through the rule of law. The function of the Convention on the Law of the Sea has long been recognized as that of protecting and balancing the common interests of all peoples in the use and enjoyment of the oceans. Whereas historically the oceans were claimed for the exclusive use of a small number of States, we have seen that the more general community interest in the use of oceans resulted in the pre-eminence for several centuries of the principle of freedom of the seas for use by all. In more recent history, the predominant factor in the law-making process has been the economic interest of States and the need to accommodate ever-increasing demands for exclusive and comprehensive jurisdiction over adjacent areas of the sea. The disparate unilateral claims that were generated created chaos in the law of the sea.

The achievements of the 1982 Convention on the Law of the Sea are many, but its greatest contribution has been to resolve important jurisdictional questions, some of which had eluded agreement for centuries. The Convention reflects a delicate balance among competing interests in the use of the ocean and its resources by taking a functional approach in establishing the various maritime zones and the rights and duties of States in those zones.

In reviewing the old law and revising or replacing it where necessary, and by introducing new concepts to meet the needs of the international community, the Convention revolutionized the international law of the sea. It was achieved through painstaking negotiation on each important issue and through the process of consensus-building. The last remaining issue, that relating to the regime for the mining of minerals from the deep seabed, was also resolved by consensus through the adoption by the General Assembly in July 1994 of the Agreement relating to the implementation of the provisions of Part XI of the Convention.

The result is that as far as the legal framework is concerned, the Convention is clearly recognized as the pre-eminent source of the current international law of the sea. It is truly a constitution for the oceans in the sense that it sets out the basic structure or framework for ocean management. Its norms are precise but it also

establishes principles that lend themselves to further development of the law of the sea. In this sense there is an in-built flexibility that allows for the development of new norms in response to evolving circumstances. Within these parameters the Convention has created the conditions necessary for resolving the contemporary problems of ocean management.

There will always, of course, be practical problems associated with the implementation of the provisions of the Convention, as well as areas in which further progress needs to be made within the framework of the Convention. Some of the most pressing current issues include the problems of burden-sharing among the users of straits used for international navigation; the need to deal with the problems of illegal, unregulated and unreported fishing; and equitable sharing of the benefits of marine scientific research. The Assembly will have the opportunity to consider some of those issues further tomorrow.

The Convention established a number of institutions with specific mandates, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. All those institutions established by the Convention are now functioning. Despite the controversies that surrounded Part XI of the Convention, the International Seabed Authority has established itself as a credible, cost-effective and efficient organization. In 2000 the Authority adopted, by consensus, regulations for prospecting and exploration of polymetallic nodules. Those regulations, which are highly practical in nature and reflect the current realities of deep seabed mineral exploration, completed and gave effect to the regime laid out in Part XI of the Convention and in its Annex, and in the implementation Agreement. Their adoption also enabled the Authority to issue to the seven former pioneer investors 15-year contracts for exploration, thus finally bringing the pioneer investors within the single and definitive regime established by the Convention and the Agreement. Perhaps more significantly, through its programme of scientific and technical workshops, the Authority has also firmly established a role for itself as a forum for cooperation and coordination of marine scientific research in the international Area, thus giving effect to the frequently overlooked but very important principle that is contained in article 143 of the Convention.

In the past few years, as international attention has focused more on the sustainable use of oceans, there has been concern at the apparent proliferation of organizations and bodies with overlapping responsibilities for ocean affairs and at the prospect for fragmentation in approaches to ocean management at the national, regional and global levels. While it was never intended by the framers of the Convention that there should be a legislative institution to review and give effect to the provisions of the Convention in the same manner as, for example, the climate change and biodiversity Conventions, the General Assembly has taken note of these concerns and has sought to address them through measures such as the informal consultative mechanism. Whether these measures are sufficient or need to be reinforced is a matter that needs to be kept under constant review if we are to avoid the erosion of the delicate balance between rights and duties of States that have been carefully woven together in the Convention.

The world we live in today is very different from the world of 1982. Many of the problems we face now could not have been anticipated in 1982 or earlier. Nor when we adopted the Convention could we have foreseen the rapid developments in international environmental law that have taken place, including, for example, the growing entrenchment of the precautionary approach to ocean management and the increasing pressures on national, regional and global institutions in general.

Notwithstanding these developments, the Convention has proved to be resilient and adaptable to changing circumstances. Slowly but surely it has earned its place as one of the great achievements of the international community. Its universal acceptability is to be seen in the number of States parties and in the remarkable uniformity with which the Convention is applied in State practice, even by those who are not yet parties. Its influence goes beyond the confines of the law of the sea. It has established itself as part of the global system for peace and security of which the Charter of the United Nations is the foundation.

Unlike its predecessor instruments on the law of the sea, the 1982 Convention is an instrument that will endure. Its comprehensive nature and the delicate balance it has achieved in the competing uses of the oceans assure this. It provides stability and certainty in the international law of the sea and introduces equity and responsibility in the use of the oceans and their

resources. Together with related instruments it will provide the framework for ocean governance well into the future.

**The Acting President**: I now call on Judge Raymond Ranjeva, a member of the International Court of Justice, who will deliver a statement on behalf of Judge Gilbert Guillaume, President of the International Court of Justice.

**Mr. Ranjeva** (International Court of Justice) (*spoke in French*): I make this statement on behalf of Gilbert Guillaume, who was obliged to remain at The Hague, and on behalf of the International Court of Justice.

The International Court of Justice thanks the General Assembly and Secretary-General Kofi Annan for having kindly invited the Organization's principal judicial organ to attend this celebration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea.

It was said — statesmen, legal practitioners and scholars have since confirmed — that mankind would recognize the Convention's

> "fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas". (*A/RES/56/12, preamble*)

The Court fully subscribes to that statement by the General Assembly at its fifty-sixth session.

The Court cannot sufficiently stress the significance of the instrument whose anniversary we are celebrating today. Nothing will ever be the same again. The Montego Bay Convention of 10 December 1982 was the outcome of long-standing efforts for the creation, systematic presentation, and adaptation of the rules governing the law of the sea, which can be traced back to the origins of international law with Grotius and his treatise *De Mare Liberum*. It represents the culmination of a process of codifying of customary law and has contributed to the progressive development of international law. It has instilled the culture of the sea and of the law into international relations, based on the alignment of States' domestic laws and on a new concept of the common heritage of mankind. The constant increase in the number of States parties to this instrument bears witness to the significance that they attach to it.

The International Court of Justice takes pleasure in drawing attention to paragraph 1 (b) of article 287 of Part XV of the Convention. This provision confirms the Court's role as one of the means available to States for the settlement of disputes concerning the interpretation or application of the Convention. The Court welcomes the creativity displayed by the Conference in making provision for a special arbitral tribunal and in establishing the International Tribunal for the Law of the Sea, which is also represented here today. But it is also happy to note the Conference's caution in maintaining tried and tested procedures — ad hoc arbitration and the International Court of Justice.

The entry into force of the 1982 Convention has not affected the willingness of States to have disputes concerning the interpretation or application of the law of the sea settled by the International Court of Justice. Out of the 63 declarations of acceptance of the compulsory jurisdiction of the Court under article 36, paragraph 2, of the Court's Statute, only 10 contain reservations with respect to matters concerning the law of the sea. In their declarations regarding the choice of a compulsory procedure pursuant to article 287 of the Convention, 17 States have declared that they accept the jurisdiction of the Organization's principal judicial organ, while 6 have attributed exclusive jurisdiction to it.

Matters relating to the law of the sea constitute a significant proportion of the Court's activity. Since 1946 it has delivered 24 Judgments in this field.

The 1982 Convention is one of the most significant and authoritative instruments available to the Court. The Court applied it directly for the first time in the Judgment delivered on 10 October 2002 in the case concerning the land and maritime boundary between Cameroon and Nigeria, since it was in force between the two parties to the dispute. However, it is not necessary for a multilateral international instrument on the law of the sea to be in force between the parties for the Court to apply it. Between 1982 and 2002 there were in fact four cases in which the Court applied the rules codified by the Montego Bay Convention under the heading of customary law. There have also been three occasions on which the Court referred to the United Nations Convention on the Law of the Sea without its having been invoked by the parties. The Court felt impelled to do so in order to support or amplify its own findings in these cases.

The Court has dealt, and continues to deal, with numerous questions relating to the law of the sea. Two examples may be cited: first, the delimitation of maritime areas; and, secondly, maritime navigation and safety. The maritime delimitation of States with opposite or adjacent coasts is now governed by a unified system of applicable law. For the Court, any delimitation must lead to equitable results. It first determines provisionally the equidistance line and then asks itself whether there are any special circumstances or relevant factors requiring this initial line to be adjusted with a view to achieving equitable results. In this context it often settles disputes relating to the sovereignty of States over disputed islands or peninsulas.

Maritime navigation is the second subject that the Court, like its predecessor, has had to deal with. It has thus considered such issues as freedom of navigation on the high seas, the legal status of straits and the right of innocent passage through territorial seas of warships and merchant vessels. Freedom of maritime communication and commerce, including fishing, has also been ruled upon by the Court.

The Court's jurisprudence has thus consolidated the law on a number of points and has given States greater legal certainty. There is no reason why this jurisprudence should not continue to develop, with cases proliferating as recourse to judicial procedures finds increasing favour. Thus, there is now a special Chamber for Environmental Matters, formed by the Court to deal with the growing number of issues concerning the environment and sustainable development. This is a new forum available to States for the settlement of disputes relating to the maritime environment.

The first 20 years of the Montego Bay Convention have proved the correctness of the legislative policy opted for by the Conference in the area of dispute settlement. A broad approach to the principle of flexibility has provided the international community with a wider choice of procedures, and that is welcomed by the Court. The Court's President, Judge Gilbert Guillaume, who is unfortunately unable to be with us today, said last year that the Court remained the only Court with both universal and general jurisdiction capable of dealing with all disputes relating to the sea and to activities pursued at sea. The Court welcomes the fact that increasing numbers of States are bringing their disputes to it, and it will continue to do its utmost to meet their expectations.

**The Acting President**: I now call on Judge Alexander Yankov, a member of the International Tribunal for the Law of the Sea, who will deliver a statement on behalf of Judge Dolliver Nelson, President of the International Tribunal for the Law of the Sea.

**Mr. Yankov** (Judge, International Tribunal for the Law of the Sea): I should like at the outset to express my thanks and appreciation for the opportunity to introduce, in shortened form, the statement by the President of the International Tribunal for the Law of the Sea, Mr. Dolliver Nelson. Mr. Nelson is at this moment involved in the preparatory stage for a case that the Tribunal will consider in a few days.

I am pleased to have this opportunity also, in submitting this statement, to say on a personal note, that this commemorative meeting is to me an important point in my professional career. I am among these young veterans that the President of the Third United Nations Conference on the Law of the Seas referred to, who started in 1967 in this place with the initial discussions in the First Committee of the General Assembly on a very long-worded agenda item entitled "The exploration and exploitation of the seabed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction for peaceful purposes". That was the title of the statement made by the late Ambassador Arvid Pardo. As far as I know, his statement set a precedent in the practice of the General Assembly, because it covered the entire day and appeared in the verbatim records of both the morning and afternoon meetings. Most of the representatives were taken by surprise and considered the topic to be in the realm of science fiction. It evolved from there and went to an ad hoc committee to study this problem with the very long title. I had the opportunity, and perhaps a real chance in my career, to be Vice-Chairman of the Legal Subcommittee of the Committee on the Seabed. From 1968 until the very last day of the Third United Nations Conference on the Law of the Sea in Montego Bay, I served as Chairman of the Third Committee, whose mandate was the protection and preservation of the marine environment, the regime of marine scientific research and the development and transfer of marine technology. There may be an emotional or nostalgic touch to what I have said but this was the most

important, and perhaps the greatest, period of my professional activities.

I turn now to the statement by the President of the International Tribunal for the Law of the Sea. I did not have the opportunity to consult his wife about the length of my statement, nor did I have the opportunity even to consult with him but, very informally, although this statement is about 10 pages, do not worry, I shall make just a brief summary of the statement.

First, it should be noted that the International Tribunal was constituted six years ago and, during that six years, the list of cases has already grown to 11. The next case will be heard in a few days, as I pointed out. Six years constitutes a fairly short period in the life of any international institution, let alone a global international judicial institution. I could say on my own that if we take the experience and history of the International Court of Justice, initially there were a few years without any cases, either in the Permanent Court of International Justice, under the League of Nations, or in its successor, the International Court of Justice. The International Court of Justice was established under the San Francisco Charter of the United Nations in 1945, but its first case was in 1949. We were lucky to have a case the day after the inauguration of the Tribunal.

The Statute of the Tribunal provides for the establishment of the Seabed Disputes Chamber and for special chambers which include the Chamber of Summary Procedure and the two chambers formed by the Tribunal in 1997 — the Chamber for Fisheries Disputes and the Chamber for Marine Environment Disputes.

The most important part of the activities of the International Tribunal for the Law of the Sea is focused on the judicial work of the Tribunal. As I pointed out, to date 11 cases have been submitted to the Tribunal. There are three categories of cases. Most of them are on the prompt release of vessels and crews. These include the *Saiga* case of 1997, the year after the inauguration of the Tribunal; the *Camouco* case in 2000; the *Monte Confurco* case — all are very exotic names; the *Grand Prince* case; and the *Chaisiri Reefer 2* case; and now we have the *Volga* case, which is between the Russian Federation and Australia. In these cases the Tribunal has engaged in clarifying the rule contained in article 292 of the Convention with respect to the prompt release of vessels. The Tribunal is well aware that in deciding these prompt release cases, it has to preserve a balance between the interests of the flag State and those of the coastal State. The Tribunal has seen this balance as a key — and I emphasize this — to the determination of a reasonable bond. On this balance the Tribunal refers to article 73 in its judgment in the *Monte Confurco* case.

The other category of cases were of provisional measures. The Tribunal has a general power to prescribe provisional measures under article 290, paragraph 1, of the Convention. That power was exercised in several cases. I shall not name them but I should like to emphasize that the Tribunal also enjoys a special jurisdiction, a compulsory residual power under certain circumstances, to prescribe provisional measures, pending the constitution of an arbitral tribunal to which a dispute is being submitted. That is under the particular provision of the Statute of the Tribunal and the relevant provisions of the rules of procedure.

There were several cases. In the *Southern Bluefin Tuna* case both Australia and New Zealand requested the prescription of provisional measures under article 290, paragraph 5, of the Convention in their dispute with Japan concerning the southern bluefin tuna. In that case the Tribunal noted, among other things, that in accordance with article 290 of the Convention the Tribunal may prescribe provisional measures to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment. It considered that the conservation of the living resources of the sea was an element in the protection and preservation of the marine environment. It noted that there was no disagreement between the parties that the state of the southern bluefin tuna was severely depleted and was a cause for serious biological concern.

I mention this because that was the first opportunity for the Tribunal, acting within the framework and the limits of article 290, in any way to announce a decision that would become part of the future jurisprudence of this new international judicial institution.

The other cases related to the protection of the marine environment. One of them was the *MOX Plant* case between the United Kingdom and Ireland. That case has now been referred to arbitration.

I promised to highlight only a few important elements of this long statement by the Tribunal. These refer to the development of international law of the sea by the Tribunal. The primary task of courts in general, including tribunals, is to settle disputes, or as a former President of the International Court of Justice more accurately put it: "to dispose, in accordance with the law, of that particular dispute between the particular parties before it".

The Tribunal is not a legislative body but, in performing its duties, and within the pertinent provisions of its Statute and rules of procedure, sometimes this judicial institution may make a pronouncement that has a direct or indirect effect on the development of international law, and on the law of the sea as a component of international law. Nevertheless, as I pointed out, such institutions undoubtedly, in the nature of things, help to develop the law. The Tribunal has already started to make its contribution. The judgment on the *M/V Saiga* (No. 2) case on the merits is particularly noteworthy in that respect. It will be remembered that in this case the Tribunal had to decide, first, whether or not the arrest and detention of the *Saiga* and its crew by the Guinean authorities was lawful and, secondly, if not, what amount of compensation had to be paid to Saint Vincent and the Grenadines.

That case raised a number of issues, among them the nationality of claims, reparation, the use of force in law enforcement activities, and classic law of the sea issues such as hot pursuit and the question of flags of convenience. On each of these issues it is generally acknowledged that the Tribunal made a contribution to the development of international law.

I will not deal with the separate though very topical issues, of the nationality of claims, reparation, the use of force in law enforcement activities and the place of the Tribunal. But I should like to point out that it is sometimes stated that the multiplication of international tribunals may pose a risk to the unity of international law. There is such a doctrine. Whatever the merits of that proposition may be — and it is certainly not generally accepted — the Tribunal for its part has not shown any disinclination to be guided by the decisions of the International Court of Justice. In fact, even in the short period of six years, decisions of the International Court of Justice have been cited both in judgments of the Tribunal and in the separate and dissenting opinions of members of the Tribunal. The truth must lie in the words of a former President of the International Court of Justice — and this is the second quotation from our colleagues from the International Court of Justice: "It is inevitable that other international tribunals will apply the law whose content has been influenced by the International Court of Justice and that the Court will apply the law as it may be influenced by other international tribunals."

Under the Charter of the United Nations, although the International Court of Justice is one of the principal organs of the United Nations it is not the only one, and that is explicitly stated under the pertinent provisions of the Charter. The Tribunal has not yet fully developed its potential as the specialized judicial organ of the international community for the settlement of disputes concerning the interpretation or application of the Convention on the Law of the Sea. The past six years represent only a chapter in its earliest beginnings.

It is fitting here to recall the words of the Secretary-General at the official opening of the Tribunal building in Hamburg with respect to the centrality of the Tribunal in the resolution of maritime disputes: "It is the central forum available to States, to certain international organizations, and even to some corporations for resolving disputes about how the Convention should be interpreted and applied."

The Tribunal continues to seek the moral and material support of States, of the United Nations and of the international community as a whole, including the business community involved in maritime activities, for the successful achievement of the objectives underlying its establishment under the United Nations Convention on the Law of the Sea, which we commemorate today.

**The Acting President**: I now call on Mr. Peter Croker, Chairman of the Commission on the Limits of the Continental Shelf.

**Mr. Croker** (Commission on the Limits of the Continental Shelf): I have the honour of making the first address to the Assembly on behalf of the Commission on the Limits of the Continental Shelf (CLCS). As is known, the Commission was the third body to be set up under the framework of the Convention on the Law of the Sea and was established following an election held at the Sixth Meeting of States Parties, in March 1997. The Commission formally came into being at its first session in June 1997.

Following the adoption of rules of procedure and a document on the modus operandi, the Commission set about drawing up its scientific and technical guidelines, a document that was drafted with a view to assisting coastal States in the preparation of a submission to the Commission. The work on these guidelines was detailed and intense, but was finally completed in May 1999, when the document was formally adopted at the Commission's fifth session. The preparation of that document involved the first authoritative and detailed scientific and technical interpretation of article 76 of the Convention. Two decades had passed since the time of the Third Conference, two decades during which our knowledge about the nature of continental margins had increased enormously. The guidelines rapidly achieved widespread acceptance by technical and scientific experts around the world.

Following the completion of this landmark document, the Commission turned its energy to training. Although it is not part of the Commission's mandate per se, the Commission was and is of the view that training is of paramount importance, especially to developing States, in that it makes coastal States aware of the opportunities and also the challenges posed by article 76, while at the same time transferring to the appropriate people in those same coastal States the knowledge and expertise required to actually implement article 76.

As part of this training initiative the Commission held an open meeting in May 2000 at which a series of presentations were given by members of the Commission on the guidelines and on the work of the Commission, to an audience of scientific and technical experts and Government officials. The Commission has also prepared a number of documents on training, including its five-day course curriculum, which has now been used in the delivery of courses in Europe, South America and Asia. The CLCS secretariat is currently preparing detailed teaching material to supplement the curriculum, an effort that is being coordinated by two members of the Commission.

The Commission had also requested the assistance of the General Assembly in setting up a trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States. That Trust Fund was established by the General Assembly in October 2001 and to date has received significant contributions from Norway and Ireland. Already, a number of States have availed themselves of that funding.

In December 2001 the Commission received its first submission, from the Russian Federation. That submission was examined initially by the Commission as a whole at its tenth session, in March 2002, and was subsequently examined in detail by a subcommission working from April to June 2002.

In the meantime, the second election of CLCS members took place at the Twelfth Meeting of States Parties to the Convention, in April 2002. I should like to take this opportunity to acknowledge the work of the first members of the Commission and of its Chairman, Yuri Kazmin. The new membership, with many re-elected members, met in June 2002 and, after consideration and some amendment of the recommendations put before it by the subcommission, the recommendations on the submission made by the Russian Federation were formally adopted. Following the procedure prescribed in the Convention, the recommendations were then forwarded by the secretariat to the Russian Federation and to the Secretary-General of the United Nations. A summary of our recommendations on the Russian submission is contained in the report of the Secretary-General on oceans and the law of the sea (A/57/57).

There is something of a clamour now going on among some of the world's scientists who are eager to examine our recommendations to the Russian Federation in detail. However, the Commission's role is clearly stated in the Convention. It is to submit the recommendations in writing to the coastal State which made the submission and to the Secretary-General of the United Nations. There appears to be no mechanism for promulgation of the detailed recommendations by the Commission to any other body.

The number of coastal States with an extended continental shelf beyond 200 nautical miles appears to be somewhere between 30 and 60. I urge coastal States to make their submissions to us as soon as possible. Remember that there is a 10-year deadline before which States have to make their submission. The Commission has taken note of the decision made by the Eleventh Meeting of States Parties, in May 2001, regarding the date of commencement of the 10-year period for certain coastal States. Coastal States should be setting aside, if they have not done so already, the

necessary funds to carry out the task of delineating the outer limits of their continental shelves in a proper scientific and technical manner, according to the requirements of the Convention, since that process can have substantial costs attached.

It is important to remember also that the Commission is available to provide scientific and technical advice to all coastal States engaged in the delineation process. States may request advice from up to a maximum of three members of the Commission. Such requests should be made to the Commission via the secretariat of the Division for Ocean Affairs and the Law of the Sea. Somewhat to our surprise, no States have yet availed themselves of this option.

I have already mentioned the Trust Fund that the Secretary-General has established according to the Assembly's decision. This Trust Fund is now available to assist developing States, particularly least developed countries and small island developing States, to prepare submissions to the Commission.

I should also like to welcome the proposal to expand the Global Resource Information Database to store and handle research data from the outer continental margin, with a view to serving the needs of coastal States in their compliance with article 76.

Finally, I should like to take this opportunity to thank our secretariat, particularly our Secretary, Mr. Alexei Zinchenko, and all the wonderful staff of the Division for Ocean Affairs, under this Director, Mrs. Annick de Marffy. They have provided us with excellent technical facilities and support, which were so important in enabling us to deal efficiently and effectively with our first submission.

**The Acting President**: The General Assembly has thus concluded its commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

*The meeting rose at 12.55 p.m.*